

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

ALBERT G. HILL, III and ERIN NANCE HILL,

Plaintiffs,

v.

Civil Action No. 3:20-CV-03634

THE ESTATE OF ALBERT G. HILL, JR.,
MARGARET KELIHER, TYREE B. MILLER,
LYDA HILL, HEATHER HILL WASHBURNE,
ELISA HILL SUMMERS, CHESTER J.
DONNALLY, JR. THE ESTATE OF IVAN
IRWIN, JR. CAROL E. IRWIN, and
THOMAS P. TATHAM,

Defendants.

NOTICE OF RELATED CASE

Pursuant to Northern District of Texas Local Rule 3.3(3), Defendants Margaret Keliher, Individually, and in her capacity as Independent Executor of the Estate of Albert G. Hill, Jr.; Tyree B. Miller, Individually, and in his capacity as Trustee of The Al G. Hill, Jr. Family Trust, dated December 20, 2014; Lyda Hill; Heather Hill Washburne, Individually, and in her capacity as Co-Trustee of The Al G. Hill, Jr. Charitable Lead Annuity Trust, and in her capacity as Advisory Board Member for the MHTE-Albert G. Hill, Jr. Income Beneficiary / Elisa Termination Beneficiary Trust; Elisa Hill Summers, Individually, and in her capacity as Co-Trustee of The Al G. Hill, Jr. Charitable Lead Annuity Trust, and in her capacity as Advisory Board Member for the MHTE-Albert G. Hill, Jr. Income Beneficiary / Heather Termination Beneficiary Trust; Chester J. Donnally, Jr., Individually, in his capacity as former Trustee of the MHTE-Albert G. Hill, Jr. Trust, and in his capacity as former Trustee of the HLHTE-Albert G. Hill, Jr. Trust; Carol E. Irwin, in her capacity as Personal Representative and Independent Executor of the Estate of Ivan Irwin, Jr.;

and Thomas P. Tatham, Individually, in his capacity as a former Advisory Board Member for the MHTE-Albert G. Hill Jr. Trust, and in his capacity as a former Advisory Board Member of the HLHTE-Albert G. Hill, Jr. Trust (collectively, herein, the “**Defendants**”), file this Notice of Related Case to advise the Court that the above-styled civil action is related to Civil Action No. 3:07-CV-02020-L, *Hill v. Hunt, et al.*, United States District Court for the Northern District of Texas (Dallas Division) (the “**2020 Action**”), which is pending before the Honorable District Judge Sam A. Lindsay.

Defendants file this Notice of Related Case because this case involves claims and controversies arising out of the interpretation and purported enforcement of the Global Settlement and Mutual Release Agreement (2020 Action, ECF 879) (“**GSA**”) and the Final Judgment (2020 Action, ECF 999) in the 2020 Action. Here, in their Original Complaint, Plaintiffs repeatedly reference the 2020 Action, the GSA, and the Final Judgment, all of which are before Judge Lindsay, as a basis for their purported claims and assert claims for breach of the GSA from the 2020 Action (ECF 1 at 26) based upon their argument that the GSA and the Final Judgment provide Plaintiffs with implied rights and protections. The GSA and the Final Judgment both provide that the Northern District of Texas (Dallas Division) retains continuing and exclusive jurisdiction over any “claim or controversy” arising under the GSA and Final Judgment, and these matters are before Judge Lindsay in the 2020 Action. 2020 Action, ECF 879 at 22; ECF 999 ¶ 45.

Further, the issues raised by Plaintiffs throughout their Original Complaint in this case, including the issues surrounding prerequisites for Plaintiffs to establish standing to assert any claim regarding the dissolution of certain trusts pertaining to the GSA and the Final Judgment, have already been raised and briefed by Plaintiffs, and ruled on by Judge Lindsay, in the 2020 Action. *See, e.g.*, 2020 Action, ECF 1883.

Accordingly, Defendants respectfully contend that based on the foregoing, the above-styled civil action should also be before Judge Lindsay, who is familiar with these issues and retains exclusive jurisdiction to interpret and enforce the GSA and the Final Judgment.

Plaintiffs' failure to comply with Northern District of Texas Local Rule 3.3 appears to be an attempt to avoid transferring the above-styled civil action to Judge Lindsay, who has also ordered that all parties, including Plaintiffs, are prohibited from filing any further pleadings in the 2020 Action without leave of court. 2020 Action, ECF 1789.

Dated: January 12, 2021

Respectfully submitted,

/s/ Tom M. Dees, III

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CERTIFICATE OF SERVICE

I hereby certify that on January 12, 2021, a true and correct copy of the foregoing instrument was served according to the Federal Rules of Civil Procedure via the ECF system on counsel of record with access to filings.

/s/ Tom M. Dees, III

Tom M. Dees, III